



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: Department of Labor and Industries

- ☒ **Preproposal Statement of Inquiry was filed as WSR 05-23-139; or**
☐ **Expedited Rule Making--Proposed notice was filed as WSR _____; or**
☐ **Proposal is exempt under RCW 34.05.310(4).**

- ☒ **Original Notice**
☐ **Supplemental Notice to WSR _____**
☐ **Continuance of WSR _____**

Title of rule and other identifying information:

Chapter 296-59 WAC, Safety Standards for Ski Area Facilities and Operations
 Chapter 296-52 WAC, Safety Standards for Possession, Handling, and Use of Explosives

The department is intending to adopt language recommended by the National Ski Area Association, in conjunction with the Washington Avalanche Control Council, that will increase fuse length burn time from seventy to ninety seconds and to eliminate the relighting of fuses based on a fatality in the industry.

Currently the use of explosives for avalanche control only applies to ski operations. The scope will be changed to apply to all avalanche control operations using explosives in the state of Washington. The department is proposing moving the avalanche control language from Chapter 296-59 WAC, Safety Standards for Ski Area Facilities and Operations into Chapter 296-52 WAC, Safety Standards for Possession, Handling, and Use of Explosives.

Hearing location(s):

Department of Labor and Industries
 Room S119
 7273 Linderson Way S.W.
 Tumwater, Washington

Date: July 25, 2006 Time: 1:00 p.m.

Submit written comments to:

Name: Beverly Clark, Project Manager
 Address: Department of Labor and Industries
 PO Box 44620
 Olympia, WA 98507-4620
 e-mail clah235@lni.wa.gov
 fax (360)902-5516 by July 31, 2006

Assistance for persons with disabilities: Contact

Kim Johnson by July 18, 2006 at

rhok235@lni.wa.gov

Date of intended adoption: September 5, 2006

(Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The purpose of this rulemaking is to increase fuse length burn time from seventy to ninety seconds and to eliminate the relighting of fuses. Currently the use of explosives for avalanche control only applies to ski operations. The scope will be changed to apply to all avalanche control operations using explosives in the state of Washington. This proposal will place avalanche control requirements from chapter 296-59, WAC into chapter 296-52 WAC, Safety Standards for Possession, Handling, and Use of Explosives. There are no anticipated effects.

Reasons supporting proposal: See Attachment 1.

Statutory authority for adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060

Statute being implemented: Chapter 49.17 RCW

Is rule necessary because of a:

Federal Law? ☐ Yes ☒ No
 Federal Court Decision? ☐ Yes ☒ No
 State Court Decision? ☐ Yes ☒ No
 If yes, CITATION:

DATE

June 20, 2006

NAME (type or print)

Gary K. Weeks

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

WSR# 06-13-079

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization)

Department of Labor and Industries

☐ Private

☐ Public

☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Tracy Spencer	Tumwater	(360) 902-5530
Implementation.....Steve Cant	Tumwater	(360) 902-5495
Enforcement.....Steve Cant	Tumwater	(360) 902-5495

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

According to RCW 19.85.030 (1)(a), a small business economic impact statement is required only when a rule will "impose more than a minor cost on businesses in an industry." An analysis of the rule reveals that it will not impose more than minor costs on businesses. Therefore, no SBEIS is required.

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Trista Zugel
PO Box 44321
Olympia, WA 98504

phone (360) 902-5122

fax (360) 902-4249

e-mail zugy235@lni.wa.gov

☐ No: Please explain:

AMENDED SECTIONS:

WAC 296-52-60015, Coverage.

- Added language to this section relating to what this chapter covers.

WAC 296-52-60020 Exemptions.

- Removed some language and reserved the section (1)(g)

WAC 296-52-60130 Definitions.

- Added and updated definitions.

WAC 296-52-61040 Reasons why applicants may be disqualified.

- Added language to this section relating to blaster's license.

WAC 296-52-64005 Responsibility to obtain a blaster's license.

- Added language to this section relating to aerial blasting.
- Clarified language to this section relating to law enforcement.

WAC 296-52-64030 List A qualifications.

- Added language to this section relating to aerial blasting.

WAC 296-52-66050 Moving, altering, or destroying a licensed magazine.

- Clarified language to this section relating to owners of magazines.

WAC 296-52-67090 Initiation systems.

- Clarified language in this section relating to blast areas.

WAC 296-52-68025 Transportation of workers.

- Added language to this section relating to seat belts.

WAC 296-52-70045 Type 4 magazines: Blasting agent, low explosive, or non mass detonating detonators storage facilities.

- Changed the title of this section to read non mass detonating rather than electric.

WAC 296-59-005 Incorporation of other standards.

- Deleted language relating to the transportation, storage and use of commercial explosives.

WAC 296-59-007 Definitions.

- Removed language relating to explosives.

WAC 296-59-015 General requirements.

- Added language relating to warning signs for avalanche work in ski areas.

NEW SECTIONS:

WAC 296-52-66053 Altering or destroying a licensed magazine.

- This section requires that a licensee must notify the department when a magazine is altered or destroyed.

WAC 296-52-66057 Transfer, sale or lease of a magazine or mobile storage site.

- This section requires that the owner of a magazine or mobile storage site notify the department when the magazine or mobile storage site is leased, sold or transferred.

WAC 296-52-800, Avalanche control.

- The requirements in this section are currently located in WAC 296-59-100.
- Language was added to encompass all avalanche control operations using explosives in the state of Washington.

WAC 296-52-802, Acceptable warning signs for typical avalanche control devices (duds).

- The requirements in this section are currently located in WAC 296-59-102.
- Housekeeping changes were made to the language.

WAC 296-52-803, Storage, makeup, and used of explosives for avalanche control blasting.

- The requirements in this section are currently located in WAC 296-59-103.
- Language relating to shock tube systems was added.
- An increase in the fuse length from seventy to ninety seconds was added.

WAC 296-52-805, Hand charge makeup methods.

- The requirements in this section are currently located in WAC 296-59-105.
- Housekeeping changes were made to the language.

WAC 296-52-807, Avalanche control blasting.

- The requirements in this section are currently located in WAC 296-59-107.
- The language was changed to prohibit the relighting of a fuse.

WAC 296-52-809, Retrieving misfires or duds.

- The requirements in this section are currently located in WAC 296-59-109.
- The amount of time that must pass before a hand charge dud can be approached was changed to make it consistent with NSAA guidelines.

REPEALED SECTIONS:

WAC 296-52-66055 Transfer or lease of a magazine or mobile storage site.

- Requirements in this section were repealed.

WAC 296-59-100 Avalanche control.

- Requirements in this section were moved to chapter 296-52 WAC, Safety Standards for Possession, Handling, and Use of Explosives.

WAC 296-59-102 Acceptable warning signs for typical avalanche control explosive device(s) duds.

- Requirements in this section were moved to chapter 296-52 WAC, Safety Standards for Possession, Handling, and Use of Explosives.

WAC 296-59-103 Storage, makeup, and use of explosives for avalanche control blasting.

CR 102 RULE-MAKING ORDER (RCW 34.05.320)

Department of Labor and Industries

WISHA Services Division

CR-102 Filing Date: June 20, 2006

Hearing Date: July 25, 2006

Attachment 1

(Purpose Statement)

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- Requirements in this section were moved to chapter 296-52 WAC, Safety Standards for Possession, Handling, and Use of Explosives.

WAC 296-59-105 Hand charge makeup methods.

- Requirements in this section were moved to chapter 296-52 WAC, Safety Standards for Possession, Handling, and Use of Explosives.

WAC 296-59-107 Avalanche control blasting.

- Requirements in this section were moved to chapter 296-52 WAC, Safety Standards for Possession, Handling, and Use of Explosives.

WAC 296-59-109 Retrieving misfires or duds.

- Requirements in this section were moved to chapter 296-52 WAC, Safety Standards for Possession, Handling, and Use of Explosives.